

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

SHAWN LEROY BUTLER

Case No.

1:23MJ

74

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 6, 2023 in the county of Durham in the
Middle District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code,
 Sections 922(g)(1) and 924(a)(8)

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

On this day, the applicant appeared before me via reliable electronic means, that is by telephone, was placed under oath, and attested to the contents of this Criminal Complaint and attached affidavit in accordance with the requirements of Fed. R. Crim. P. 4.1.

Date: 02/07/2023

City and state: Greensboro, North Carolina

/S/ Thomas Thrall

Complainant's signature

Thomas Thrall, ATF Task Force Officer

Printed name and title



Judge's signature

L. Patrick Auld, United States Magistrate Judge

Printed name and title

IN UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

AFFIDAVIT

I, Thomas Thrall, Task Force Officer, Bureau of Alcohol Tobacco Firearms and Explosives (ATF), being duly sworn, state that:

1. Your Affiant, Thomas Thrall, Task Force Officer with the ATF and am currently assigned to the ATF Charlotte Field Division, Raleigh Field Office. I am also a sworn law enforcement officer with the City of Durham Police Department and have been since June of 2002. Prior to being assigned as a Task Force Officer with the ATF, I was assigned to the Durham Police Department's Vice- Narcotics Unit, Drug Interdiction Unit, HEAT Team, Gang Resistance Unit, and Uniform Patrol Division. I have completed the Police Law Institute training course on Arrest, Search, and Seizure. I have successfully completed training hours in classes for Narcotics Investigation, to include: Criminal Interdiction & Illicit Drug Awareness, Confidential Source Management, Pharmaceutical Drug Crimes, Hotel / Motel Interdiction, Stash House Interdiction, Mexican Drug Trafficking, Funding Terrorism through Narcotics, Reality of Undercover Operations, Use of Drug Informants, Drug Identification, Introduction to Interview and Interrogation, Interview Techniques & Deception Detection, Current Drug Trends, Introduction to Clandestine Laboratory Investigations, Introduction to Patrol Drug Investigations, Surveillance Operations, Command and Control Overview, Introduction to Conspiracy Investigations, Introduction to Highway / Rural Drug Investigations, Airport Narcotics Investigation, Overdose America, Police Intelligence, Risk Management in Undercover Operations, Ethical and Decisions in Law Enforcement, First Line Supervision, Criminal Interdiction & Identifying False Compartments, Operation JETWAY Training, and Drug Interdiction Advanced Federal Asset Forfeiture. I have earned and received my Basic Law Enforcement Certification, my Intermediate Law Enforcement Certification, and my Advanced Law Enforcement Certification from the North Carolina Training and Standards Division. When assigned to the Uniform Patrol Division I was a certified Field Training Officer. I am certified by the State of North Carolina Training and Standards as a General Instructor with specialized certifications in Physical Fitness, Driving and Rapid Deployment. I have led and taught classes on these subjects as well as Controlled Substances

and Traffic Stops. I have taught and / or instructed to sworn law enforcement, basic law enforcement recruit classes, and civilian classes. I have drafted or assisted in drafting more than 300 search warrants that have been presented to and signed by North Carolina Superior Court Judges, North Carolina District Court Judges, and Magistrates. I have also conducted and / or assisted in numerous criminal investigations to include gambling, prostitution, fraud, forgery, larceny, assaults (simple and serious), murder, firearms or weapons, and controlled substances. I am familiar with the customary practices, procedures, tactics, and terminology used by persons engaged in the business of manufacturing, selling, and distributing controlled substances in this area.

2. The information contained in this affidavit is based on your Affiant's personal participation in this investigation and from information provided to your Affiant by other law enforcement officers. This affidavit is submitted for the limited purpose of establishing probable cause to support the issuance of a criminal complaint against Shawn Leroy BUTLER, [hereafter referred to as BUTLER]. Your Affiant has not included each and every fact known to him concerning this investigation but has set forth only those facts believed to be necessary for said purpose.

3. Your Affiant respectfully asserts that there is probable cause to believe that on or about February 6, 2023, in the County of Durham, in the Middle District of North Carolina, BUTLER did knowingly possess a firearm in and affecting interstate commerce after having been convicted of a crime punishable by imprisonment for a term exceeding one year, and with knowledge of that conviction, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

4. Butler was previously convicted in the Middle District of North Carolina in case number 1:18CR408-1 of interference with commerce by robbery in violation of Title 18, United States Code, Section 1951(a). He received a sentence of 57 months in the Federal Bureau of Prisons, followed by three years of supervised release. Written judgment was entered on September 10, 2019. BUTLER is currently under federal supervision by the United States Probation Office.

5. On February 6, 2023, Durham Police Department (DPD) officers stopped BUTLER for speeding. While investigating the traffic stop DPD officers had BUTLER get out of the driver's

seat and step to the back of the vehicle to speak with officers. As BUTLER exited the vehicle, DPD officers observed a handgun magazine in the driver's door pocket in plain view. DPD officers asked BUTLER if there was a firearm in the vehicle. BUTLER indicated that the firearm was on the driver's seat. DPD officers recovered a Smith & Wesson, M&P9 Shield, 9mm handgun, serial number HVX2650. BUTLER was issued a traffic citation for speeding (75 mph in 55 mph zone) and driving without a driver's license.

6. BUTLER was transported to DPD headquarters and placed in an interview room. ATF TFO Thrall advised BUTLER of his Miranda rights. BUTLER waived his rights and agreed to speak with TFO Thrall. BUTLER explained the handgun belonged to him and stated that he was sitting on the handgun. BUTLER stated he purchased the handgun the day prior (02/05/2023) for \$150.00. BUTLER also stated he had the firearm for his protection. BUTLER admitted that he was a convicted felon and was aware he should not possess a firearm. BUTLER stated he is on federal probation from a robbery conviction. BUTLER explained that he was released from federal prison last April (April 2022).

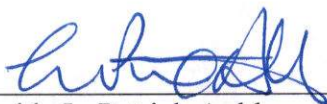
7. On February 7, 2023, ATF Special Agent Lawrence Dickens, an expert in the area of firearms and nexus, determined that the Smith & Wesson, M&P9 Shield, 9mm handgun, bearing serial number HVX2650, was a firearm which had been manufactured outside of the State of North Carolina.

8. Based on the above information your Affiant respectfully requests the issuance of a criminal complaint charging Shawn Leroy BUTLER with possession of a firearm by a convicted felon in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

/S/ Thomas M. Thrall
Thomas M. Thrall
Task Force Officer
Bureau of Alcohol Tobacco Firearms and Explosives

Dated: February 7, 2023

Pursuant to Rule 4.1 of the Federal Rules of Criminal Procedure, the affiant appeared before me via reliable electronic means (telephone), was placed under oath, and attested to the contents of this written affidavit.

A handwritten signature in blue ink, appearing to read 'L. Patrick Auld', is written over a horizontal line.

Honorable L. Patrick Auld
United States Magistrate Judge
Middle District of North Carolina